

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

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MAINE COMMUNITY HEALTH OPTIONS, )  
Plaintiff, ) Case No. 20-458  
v. ) Judge Kathryn C. Davis  
THE UNITED STATES, )  
Defendant. )  
\_\_\_\_\_  
)

**JOINT MOTION FOR LEAVE TO FILE OUT OF TIME**

Pursuant to this Court's May 9, 2022 Order (ECF No. 25) and Rule 6 of the United States Court of Federal Claims, the parties jointly and respectfully submit this motion for leave to file out of time the attached joint status report regarding the status and next steps in this litigation.

This Court's March 8, 2022 Order granted the parties' request for continued stay of this case and ordered the parties to file a joint status report by May 3, 2022, updating the Court on the status of settlement negotiations. The parties inadvertently failed to file a joint status report on May 3, 2022. We apologize for the inconvenience this oversight has caused, but assure the Court that we have been working together to determine whether they may efficiently resolve this matter without further litigation or at least streamline this and other related cases.

The complexity of these cost-sharing reduction (CSR) cases and the number of interested stakeholders necessitate additional time to pursue this mutual attempt to resolve the damages issues in this case without further litigation, and the parties respectfully request that the Court grant this motion to file out of time the attached joint status report, which requests a continued stay in this case until June 6, 2022. At that time, the parties will file another joint status report to update the Court on the status of their efforts to fully resolve this matter.

May 12, 2022

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## **JOINT STATUS REPORT**

Pursuant to the Court's March 8 Order, the parties respectfully submit this Joint Status Report. This case is currently stayed because the Government is working with a number of CSR plaintiffs to determine whether they may efficiently resolve this matter without further litigation or at least streamline these cases.

The parties request that the Court continue the stay in this case until June 6, 2022 to provide more time for the broader discussions about possible approaches to resolving this and other CSR cases. The parties believe that the current continued stay in this case will provide more time for the broader discussions about possible approaches to resolving this and other CSR cases. On April 28, 2022, the Government provided its substantive response to the CSR Plaintiffs' proposed settlement methodology for CSR damages owed for benefit years 2018 and beyond. CSR Plaintiffs are reviewing the Government's response, after which the parties plan to meet and confer regarding the Government's response and the potential mutual resolution of pending CSR claims for benefit years 2018 and beyond. The complexity of the CSR cases and

the number of interested stakeholders necessitate that the parties be afforded additional time to pursue this mutual attempt to resolve the damages issues in this case without further litigation. Good cause therefore exists to continue the stay in this case for CSRs due to Plaintiffs for benefit years 2018 and beyond.

Accordingly, the parties jointly request that the Court continue the stay in this case until June 6, 2022, at which time the parties will file a Joint Status Report to update the Court on the status of their efforts to fully resolve this matter.

May 12, 2022

Respectfully submitted,

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